[Mr. P. Govinda Menon]

within your discretion, having seen what has happened here, either to put the Bill as a whole for being voted upon, or if you think Sir, that the interests of proper legislation require, that they may be put clause by clause you may do it. That is entirely within your discretion and that discretion is finally vested in the President, so that there may not be any abuse of any of the provisions laid down in the Manual. (Hear, hear).

Mr. President: I take the view, that it will be in order to put all the clauses from clause 2 to 58 as a whole to the vote of the House, in as much as there are no amendments. That is the procedure I am adopting. The question is.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Let me not take part in this process Sir.

(The member walked out of the Hall)

Mr. President : The question is that clauses 2 to 58 stand part of the Bill.

Motion put and carried

The question is that clause I, the title and preamble of the Bill, stand part of the Bill.

Motion put and carried

The question is that the Schedule attached to the Bill stands part of the Bill.

Motion put and carried

Rao Bahadur T. K. Nayar *(Minister for Public Health)* : Sir, I move that the Cochin Prohibition Bill be taken up and finally passed tomorrow.

Mr. P. Govinda Menon *(Minister for Food and Education)* : I second it.

Mr. President : The question is that the Cochin Prohibition Bill be taken up and finally passed tomorrow i.e. Wednesday, the 13th August.

Motion put and carried

(2) The Cochin Registration of Births and Deaths Act (Amendment) Bill

Rao Bahadur T. K. Nayar *(Minister for Public Health)* : Sir, I move that the Cochin Registration of Births & Deaths Act (Amendment) Bill be read in the Council.

Mr. P. Govinda Menon *(Minister for Food and Education)*: I second it.

Mr. President : The question is that the Cochin Registration of Births and Deaths Act (Amendment) Bill be read in the Council.

Motion put and carried

Secretary to the Council : The title of the Bill is the Cochin Registration of Births and Deaths Act (Amendment) Bill.

Rao Bahadur T. K. Nair *(Minister for Public Health)*: I move that Standing Order 32 may be suspended.

Mr. President : Standing Order No. 32 is suspended.

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: I move that the Cochin Registration of Births and Deaths Act (Amendment) Bill be taken into consideration.

Mr. P. Govinda Menon *(Minister for Food and Education)* : I second it.

Mr. President : The question is that the Cochin Registration of Births and Deaths Act (Amendment) Bill be taken into consideration.

Motion put and carried

The question is that Clauses 2 to 8 of the Bill stand part of the Bill.

Motion put and carried

The question is that Clause 1, title and Preamble of the Bill stand part of the Bill.

Motion put and carried

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: Sir, I move that the Cochin Registration of Births and Deaths Act (Amendment) Bill be taken up and finally passed tomorrow, Wednesday, 13th August 1947.

Mr. P. Govinda Menon *(Minister for Food and Education)*: I second it.

Mr. President : The question is that the Cochin Registration of Births and Deaths Act (Amendment) Bill be taken up and finally passed tomorrow, Wednesday, the 13th August, 1947.

Motion put and carried

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(*l*) for the disposal of articles confiscated and of the proceeds thereof.

56. *Publication of rules and notifications.*—All rules made and notifications issued under this Act shall be published in the Cochin Government Gazette and upon such publication, shall have effect as if enacted in this Act.

CHAPTER VII

Legal Proceedings

57. *Actions against Government, etc.*—No action shall lie against Government or against any Prohibition, Police or other Officer, for damages in any civil court for any act bonafide done or ordered to be done in pursuance of this Act.

58. *Courts to take judicial notice of appointments.*—All courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act.

SCHEDULE

(See section 2)

Year	No.	Short title or subject	Extent of repeal
1	2	3	4
1076	VIII.	The Cochin Opium Act	The whole
1077	I	The Cochin Abkari Act	do.

Statement of Objects and Reasons

It has been decided to introduce prohibition in the Chittur Taluk in the year 1123 as an experimental measure. The Bill is intended to implement this decision and is adapted on the lines of the Madras Prohibition Act. Provision is made in the Bill for bringing the same into force in any local area.

APPENDIX VII

A BILL TO AMEND THE COCHIN REGISTRATION OF BIRTHS AND DEATHS ACT, II OF 1081

Preamble.—Whereas it is expedient further to amend the Cochin Registration of Births and Deaths Act, II of 1081 for certain purposes; It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Cochin Registration of Births and Deaths Amendment Act .....of.....

(2) It shall come into force on such date as Government may, by notification in the Cochin Government Gazette, appoint in this behalf.

2. *Amendment of section 3.*—In section 3 of the Cochin Registration of Births and Deaths Act, II of 1081 (hereinafter referred to as the said Act) for the existing definitions, the following definitions shall be substituted.

"(*i*) "District" means any local area which, for purposes of revenue administration is now recognised as a District or which may hereafter be declared by Government to be a district and to which local area this Act or any portion thereof is extended.

(*ii*) "Taluk" means any local area which for purposes of revenue administration is now recognised as a Taluk or which may hereafter be declared by Government to be a Taluk and to which local area this Act or any portion thereof is extended.

(*iii*) "Division" means any local area which for purposes of Public Health administration is now recognised as a Sanitary Division or which may hereafter be declared to be a division and to which local area this Act or any portion thereof is extended.

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(*iv*) "Circle" means any local area which for purposes of Public Health administration is now recognised as a Vaccination Circle and which may hereafter be declared to be a "Circle" and to which local area this Act or any portion thereof is extended.

(*v*) "Village' means any local area which for purposes of revenue administration is now recognised as a village or which may hereafter be declared by Government to be a village, and to which local area this Act or any portion thereof is extended.

(*vi*) The terms "Registrar-General", "District Registrar", "Taluk Registrar", "Division Registrar", "Circle Registrar", and "Registrar of Births and Deaths", mean the officer appointed as such under section 5 of this Act.

(*vii*) "Prescribed" means prescribed by rules made under this Act."

3. *Amendment of section 4.*—In section 4 of the said Act for the words "Peishkar of the Division" substitute the words "Registrar-General", for the word "pravarthi" substitute the word "village" and for the word "Sirkar" substitute the words "Government of Cochin".

4. *Substitution of section 5 of Act, II of 1081.*—For section 5 of the said Act, the following shall be substituted, *viz.*—

"5. (*i*) Government may appoint any person either by name or by virtue of any office he may hold to be a Registrar-General, District Registrar, Taluk Registrar, Division Registrar, Circle Registrar or Registrar of Births and Deaths, to exercise respectively jurisdiction over the whole of Cochin State a District, a Taluk, a Division, a Circle or a Village.

(*ii*) Government may also, if they deem fit, divide any village into Wards and appoint a person by name or by virtue of any office he may hold to be a Registrar of Births and Deaths for each Ward.

(*iii*) Every person appointed under sub-sections (*i*) and (*ii*) shall keep such registers and send such returns of Births and Deaths to such authority in such manner and within such time as may be prescribed.

5. *Amendment of sections 6 and 7 of Act II of 1081.*—In sections 6 and 7 of the said Act for the word "Peishkar" wherever it occurs, the word "Registrar-General" shall be substituted.

6. *Amendment of section 17.*—For section 17 of the said Act, the following shall be substituted, namely.—

"17. (1) Subject to any rules which Government may make and subject to the payment of the prescribed fees any person may, at all reasonable times, inspect any register of Births and Deaths and on application obtain copies of entries from such register relating to any birth or death registered therein.

(2) A copy of an entry given under the last foregoing sub-section shall be certified by the Registrar-General of Births and Deaths or by an officer authorised by him in this behalf and shall be admissible in evidence for the purpose of providing the birth or death to which the entry relates".

7. *Amendment of section 19 of Act, II of 1081.*—For sub-sectian (1) of section 19 of the said Act the following shall be substituted:—

"19. (1) No prosecution in respect of any offence punishable under this Act or any rules made thereunder shall be instituted except under the orders of the Registrar-General".

8. *Amendment of section 20 of Act, II of 1081.*—In section 20 of the said Act clause (6) shall be renumbered as clause (9) and the following shall be inserted as clauses (6), (7) and (8) namely.—

"(6) fixing the fees payable under this Act;

(7) defining the powers, duties and functions of the officers appointed under this Act;

(8) with reference to all matters expressly required or allowed by this Act to be prescribed; and"

Statement of Objects and Reasons

Act II of 1081 for the registration of births and deaths in the State was enacted more than forty years ago. According to this Act the Revenue Department is responsibe for the administration of the Act in the rural areas. It is now proposed to transfer this responsibility to the Public Health Department, and to appoint some of the executive Officers of the Public Health Department as Registrars and to relieve the superior Officers of the Revenue Department from supervising the work of the Registrars of Births and Deaths. It is also proposed to transfer the

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power for conducting prosecutions under the Act to the Sanitary Inspectors of the Public Health Department, subject to the orders of the Director of Public Health. Correct registration of births and deaths being more important for Public Health Department to shape its policy and action, such a step as the one contemplated now will facilitate the coordination of the various activities contemplated under the Act and efficient supervision over the work by the officers of the Public Health Department. Hence this Bill.

APPENDIX VIII

THE CHITTUR CESS RECOVERY BILL

WHEREAS it is necessary to provide temporarily for the recovery by coercive process of the water cess due to Government for the water supplied from the private irrigation system in the Chittur Taluk requisitioned by Government under the Defence of India Rules as made applicable to Cochin by Proclamation, VIII of 1115, and the requisition whereof has been continued by Proclamations, III and V of 1122; It is hereby enacted as follows.—

1. This Act may be called the Chittur Cess Recovery Act of 112 , and shall come into force at once.

2. (1) The Diwan Peishkar shall, after such enquiry as he deems necessary, fix or alter and refix the cess which has accrued due and which may accrue due to Government for the water supplied by them from the private irrigation systems in the Chittur Taluk requisitioned by Government under the Defence of India Rules as made applicable to Cochin and the requisition whereof has been continued by Proclamations, III and V of 1122 and the date on or before which the cess has to be paid to Government and communicate a copy of the order to the person liable to pay the cess.

(2) The cess which has accrued due or which may accrue due to Government under sub-section (1) will be treated as Public Revenue due on land as defined in the Revenue Recovery Act, IV of 1083 and may be recovered by Government from those who have defaulted or who default to pay the cess as an arrear of revenue under the provisions of the said Act.

3. Any person aggrieved by an order of the Diwan Peishkar fixing or refixing the cess under sub-section (1) of section 2 may within thirty days of the receipt thereof appeal to Government and the orders of Government thereon and the orders of the Diwan Peiskhar, when there has been no appeal, shall be final and shall not be questioned in a Court of Law.

Statement of Objects and Reasons

It is necessary to provide for the recovery by coercive process of the cess due to Government for the water supplied by them from the private irrigation systems in the Chittur Taluk requisitioned by Government, as considerable difficulty is being experienced in the prompt collection of the same. The Bill accordingly seeks to provide for the recovery of such cess as if it were an arrear of revenue under the Cochin Revenue Recovery Act.

APPENDIX IX

THE COCHIN COCOANUT COMMITTEE (AMENDMENT) ACT

WHEREAS it is expedient to amend the Cochin Cocoanut Committee Act, IV of 1120, for the purposes hereinafter appearing; It is enacted as follows.—

1. *Short title.*—This Act may be called the Cochin Cocoanut Committee (Amendment) Act.....of 112..

2. *Amendment of section 2.*—In section 2 of the Cochin Cocoanut Committee Act, IV of 1120 (hereinafter referred to as the said Act)—

(*a*) for clause (*a*) the following clause shall be substituted, namely:—

"(*a*) "Collector" means the officer appointed by Government to perform the duties of a Collector under the provisions of this Act and the rules made thereunder and includes any officer subordinate to that officer whom he may, by order in writing, authorise to perform his duties under those provisions."

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